

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

September 11, 2003

P. Sartorius called the meeting to order at 4:03 p.m., and roll was taken.

MEMBERS PRESENT: J. Aslakson, B. Mazade, S. Warmington, P. Sartorius, T. Johnson,
B. Smith, T. Michalski, L. Spataro

MEMBERS ABSENT: T. Harryman, excused.

STAFF PRESENT: D. Steenhagen, H. Griffith

OTHERS PRESENT: R. Shampo, 715 Access Hwy.; J. Freed, 2152 High Park Rd.; B. Mayette, 2556 Glenside; M. Knoll-Loader, 1373 Montague; S. Gawron, 1362 Palmer; R. Roberson, 1960 Howden; R. Merrill, 1952 Howden; M. Vasquez, 992 Washington; C. Spofford, 985 Washington; B. Bourdon, President of Randers; L. Kinnucan, 2418 Valleywood.

B. Mazade arrived at 4:04 p.m.

APPROVAL OF MINUTES

A motion to approve the minutes of the regular meeting of August 14, 2003 was made by S. Warmington, supported by T. Johnson and unanimously approved.

L. Spataro arrived at 4:05 p.m.

OLD BUSINESS

Case 2003-27: Request for Site Plan Review for a cold storage warehousing and outside storage facility at 715 Access Hwy., by On the Road Again – Motorhead Mall, LLC (tabled). D. Steenhagen presented the staff report. The subject property is located south of Access Hwy., off of a private access easement. The property contains a large fenced-in area with two buildings and a paved area. The property is currently somewhat overgrown and contains a lot of materials being stored on the site. The subject property is north of the South Branch of the Muskegon River and also contains a large wetland area. The proposed development is located on the opposite side of the site with the wooded and wetland area to remain natural. The applicant is proposing to demolish one of the buildings on the site and to use the other building as an office and warehousing facility. He is also proposing to lease other portions of the site with future buildings to be constructed. A revised site plan for this site has been submitted and reviewed. Staff has the following comments: a) The development is divided into 5 phases, with each building being constructed during a different phase. No timeline is given for the different

phases, but as long as each phase complies with the approved site plan when it is constructed, there shouldn't be any issues with the timing. b) The specific uses for each building are not given, most likely because the applicant plans to build them as he is able to lease them out. There are paved parking areas shown for each building. It appears that the number of spaces are adequate for industrial uses, but staff will need to confirm the parking needs for each building as it is built. c) There is a 2-way entrance drive into the property shown on the site plan, which also includes a one-way turn-around loop. The width of the drive is adequate, but it is shown on the plan as dolomite. All drive and parking areas are required to be paved with a hard surface such as concrete or asphalt. Dolomite is not an acceptable surface. d) There are several loading/unloading areas shown on the site plan. The Phase 3 building does show a 50' x 10' paved loading zone. The other buildings show loading/unloading spaces in their parking areas. Loading areas are required to be at least 10 feet by 50 feet in size. e) There are dimensions shown for the existing building (Phase 1) on the site plan. Dimensions for the proposed buildings are shown in the written explanation at the bottom left corner of the plan. f) As noted above, the site contains a good deal of existing scrub vegetation as well as several large mature trees. There are trees shown on the site plan but it is unclear as to whether these trees are existing or proposed, and if existing if they are proposed to be retained or removed. All existing mature trees need to be preserved as much as practical and protected during construction with snow fencing or other means. All existing mature trees need to be noted as such on the site plan, along with whether they are to be removed or retained. g) There is new landscaping proposed in the front setback in front of Building B. However, this area is also shown as concrete, as is the setback to the north of the same building. Setback areas are required to be greenspace. The proposed landscaping materials for the site need to be described on the plan, with size and species clearly noted. h) There are no dumpsters shown on the site plan. If any dumpsters are to be located on the site, they need to either be out of public view or screened with a minimum 4-foot screen fence. i) No information is given on signage for the site. Signs will need to meet ordinance requirements and sign permits will need to be obtained for all signage. j) The City Engineer has reviewed the site plan and had one comment, that the 22-foot radius for the proposed turn-around is not long enough for commercial traffic. k) She read the conditions that the Fire Marshal and DPW had. Staff recommends approval of this request with the conditions.

B. Smith asked if the applicant had seen the proposed conditions. D. Steenhagen stated that the applicant has seen the conditions that were in the staff report but wasn't aware of the Fire Marshal and DPW's conditions as they weren't available at the time the staff report had been completed. R. Shampo stated that he would be eliminating Phase 5 at this time. He had brought a new site plan with him that he felt addressed the proposed conditions. He has had a flow test done for the fire hydrant. The 1-way turn around will be replaced with a cul-de-sac. P. Sartorius asked the applicant if he was aware he would have to go before the PC if he decides to proceed with Phase 5 if it is removed now. R. Shampo stated that he was aware of this. B. Mazade felt that the request should be approved subject to the conditions proposed since the applicant was agreeable to the proposed conditions. S. Warmington asked what the difference was between a 1-way turnaround and a cul-de-sac. L. Spataro stated that 1 was a loop. R. Shampo added that a cul-de-sac was a big circle. T. Johnson asked what the process was once it is approved with conditions. D. Steenhagen stated that the new site plan would be re-routed to the other departments for approval. T. Michalski stated that the parking area for building C would be eliminated if it were a cul-de-sac. R. Shampo stated that his architect told him that

there would still be adequate parking for the building. L. Spataro suggested that the access easement could be used for the required greenspacing. R. Shampo stated that the access easement isn't on his property.

A motion that the proposed site plan for a new industrial facility on Access Hwy. be approved based on the following conditions: 1) A revised site plan needs to be submitted for staff's approval and needs to include: a) The drive area needs to be paved with concrete or asphalt. b) The smaller loading/unloading areas need to be clarified. Loading spaces are required to be 10 feet by 50 feet. c) All existing mature trees need to be shown on the site plan with a note about if they are proposed to be retained or removed. All mature trees need to be preserved as much as practical. Existing trees to be preserved need to be protected by snow fencing or other means during construction. d) All proposed setback areas are required to be greenspace. Details (size and species) of all proposed landscaping materials need to be provided. e) Any dumpsters on the site must be either out of public view or screened by a minimum 4-foot screen. f) The radius of the turn-around needs to be addressed so that it will meet requirements for commercial traffic. 2) All conditions of the Fire Marshal and DPW need to be met. 3) Sign permits will be obtained for all proposed signage on the site, was made by L. Spataro, supported by B. Mazade and unanimously approved.

PUBLIC HEARINGS

Hearing; Case 2003-34: Request to rezone the properties located at 1344 W. Sherman Blvd., 1374 W. Sherman Blvd., and the south 100 feet of 1333 Montague Ave. from R-1, Single-Family Residential to B-1, Limited Business, by Jim Freed. D. Steenhagen presented the staff report. Staff has spoken to the City Attorney about the discussion from the August Planning Commission meeting and asked for an opinion as to whether a Planned Unit Development (PUD) in a R-1, Single-Family Residential zoning district could contain commercial uses. The City Attorney's opinion is attached and states that a PUD in the R-1 district cannot contain commercial uses. Therefore the applicant is asking to rezone just the Sherman Blvd. frontage of the subject property to B-1, Limited Business. The B-1 district would accommodate the proposed use of this portion of the property as a small, 3-unit commercial strip mall. None of the three suites proposed are larger than 2,500 square feet and the 2 uses proposed so far (beauty parlor and tanning salon) are both permitted uses in the B-1 district. The Future Land Use Map shows one of the subject parcels (directly west of and adjacent to the Landmark Bar, Sherman Blvd. frontage only, to be "Commercial". The rest of the subject parcels are shown as "Single & Two-Family Residential". The Master Land Use Plan states: a) ...it is acknowledged that a limited range of commercial and office activities are appropriate to select segments of Lakeshore Drive and Sherman Boulevard. Typically, non-residential uses should be oriented to the needs of the local populace. Such development should be highly controlled pursuant to type, location, and design in order to prevent negative impacts on the sub-area's residential focus. b) Commercial development is sporadically located along Sherman Boulevard. Typically, commercial uses are found as small nodes near intersections or as small strip segments within various blocks. Sub-Area Stability: a) Some of the commercial uses along Sherman have not provided or maintained sufficient buffer protection to fully mitigate unwanted compatibility impacts (e.g., noise, lights, aesthetics, etc.) between said uses and nearby homes. This is not conducive to residential stability. Sub-Area Issues: a) The presence of commercial development and commercial zoning along Sherman Boulevard (both sides), combined with

high rates of traffic (local and transient) will result in additional requests for strip commercial rezonings. b) Commercial signage along Lakeshore Drive and Sherman Boulevard is not consistent pursuant to size, type, and design. c) Many of the commercial establishments along Lakeshore Drive and Sherman Boulevard lack streetscapes consistent with the residential character of the subarea. The Master Plan recommends for this sub-area: a) Sherman Boulevard, work with adjoining Norton Shores to coordinate the preparation and implementation of consistent (compatible) sign, access, and related streetscape standards. Such standards should recognize the subarea's residential character. b) Implement zoning (site plan) standards requiring adequate buffer protection between the commercial uses along Lakeshore Drive and Sherman Boulevard and adjacent residential development. c) Limit expansion of commercial development (rezonings) along Sherman Boulevard. d) Existing commercial districts along Sherman Boulevard, west of Pine Grove Street, should be restricted to the B-1 Zone District Classification. B-1 uses are designed primarily to serve persons residing in adjacent residential areas or neighborhoods. Staff has not received any phone calls or letters regarding this case. Staff recommends approval of this request. Although the Future Land Use Map calls for most of this property to be residential, the Master Plan does allow for B-1 zoning on Sherman in this area. Staff recognizes that this property will most likely never be developed for residential purposes and feels that a B-1 zoning designation will protect the property from being used for highly intensive commercial uses. Staff is also glad to see that the Montague Ave. frontage has been left out of this rezoning request. Staff has received 1 phone call from Scott Shoemake of 1357 Montague who is adamantly opposed to this request.

T. Michalski asked how deep the lot at 1333 Montague was. D. Steenhagen explained that it connected from Montague to Sherman Blvd. L. Spataro stated that it was about 200-ft altogether. J. Aslakson asked if the other half of the parcel at 1333 Montague would still be buildable. D. Steenhagen stated that it would. J. Freed stated that he is the owner of the hair salon. He would own and occupy the property. J. Aslakson asked why he proposed such a large amount of parking spaces for this building. J. Freed stated that he has 12 employees and 2 receptionists that work in the salon so he needs at least 14 parking spaces just for his employees. He also explained that he would like to expand the number of his employees, which would require more parking spaces. Plus the clientele would need parking. L. Spataro stated that he had some concerns with the parking lot being paved up to the north edge of the property. This doesn't leave much room for greenspacing. He asked the applicant if he would be willing to keep the current trees along that portion of the property since it would help create a barrier between them and the neighborhood behind the property. This would help make the neighbors happy. J. Freed stated that he is open to alternative solutions, but by doing that, he would be losing parking spaces. He suggested having islands for the greenspacing along with a privacy fence along the north property line. T. Michalski asked if the applicant would still pursue the PUD if the rezoning were granted. D. Steenhagen stated that they could withdraw the request once the property is rezoned. There is no requirement that they would need to follow through with the PUD. T. Johnson asked if they would still need to go through the site plan review process. D. Steenhagen stated that they would. T. Johnson asked if there would be a condition that the site plan would have to go before the PC for approval. D. Steenhagen stated that if they follow thru with the PUD, then they would need to. The applicant would still be required to have 10 ft. rear setback consisting of greenspace. L. Spataro suggested there may be able to be a compromise and have some of the greenspace that is shown on the front of the property moved to the rear and move the parking lot toward Sherman Blvd. D. Steenhagen stated that

this could be done through a PUD. The B-1 zoning requires setbacks in the front and the back. P. Sartorius asked the applicant would still pursue the PUD request if the rezoning were approved. J. Freed stated that they would do what works best with what they would like to do. P. Sartorius asked why the greenspace was located in the front of the property as opposed to the rear of the property. J. Freed stated that it was the recommendation that his architect had given him. T. Michalski asked if they could have a condition placed on the approval of the rezoning that the PUD must be pursued. P. Sartorius stated that they couldn't. J. Aslakson asked what the minimum requirement was for maneuvering lanes in a parking lot. D. Steenhagen stated that they were 22-ft. if it is for a 2 way and 12-ft. if it is for a 1 way. J. Aslakson stated that the site plan is showing a larger maneuvering lane than required. This could help with the rear setback requirement. He is in favor of the zoning change, but the 10-ft. rear setback requirement would have to be met. L. Spataro stated it would be least expensive for the applicant to continue with the PUD as opposed to go before the ZBA for a variance from the rear setback requirement. P. Sartorius asked what the landscaping requirement was in a B-1 zoning district. D. Steenhagen described it. She added that the existing trees could be counted instead of planting new ones. The City encourages retaining as many trees as possible on a site.

B. Mayette asked if the size of the required fencing for the rear property line was only 4 ft. D. Steenhagen stated that was the height that would be required, but the owner has the right to have a fence up to 6-ft. if they choose to. B. Mayette stated that a 4-ft. fence wouldn't be high enough. She would like it to be higher. She is concerned with the lack of screening that would separate this from the residential neighborhood directly behind it. She asked if there was any way to require that the fence be 6-ft. P. Sartorius stated that if the applicant was to proceed with the PUD, then it could be required as a condition. Should the applicant decide not to proceed with the PUD and the rezoning is approved, then they would be required to have at least a 4-ft. fence. M. Knoll-Loader is strongly opposed to this request. She is concerned that a drive thru fast food restaurant could be located there in the future. She stated that Consumer's Energy had been through there about 3 years ago and cut down quite a few of the trees. This cut down on the screening from Sherman Blvd. quite a bit. L. Spataro stated that a fast food restaurant with a drive thru wouldn't be permitted in a B-1 zoning district. P. Sartorius read the allowed uses for a B-1 zoning district.

A motion to close the public hearing was made by B. Mazade, supported by L. Spataro and unanimously approved.

T. Johnson suggested adding a condition that would recommend the utilization of the PUD option under the B-1 zoning district. He added that they couldn't require that the property remain vacant. P. Sartorius stated that there are laws against creating a difficulty to the property owner for the use of their property. L. Spataro stated that he concurs with T. Johnson. He would strongly urge the utilization of the PUD option. P. Sartorius does have some questions regarding the site plan. He would also like to see the site plan go before the Planning Commission even if the applicant decides against utilizing the PUD option. This way the Planning Commission could try to insure that the concerns the neighborhood has are addressed along with what the owner would like to do. L. Spataro asked if the public hearing would need to be re-opened if the applicant would like to continue with the PUD option. J. Aslakson didn't feel that the PUD could be decided without the zoning change being approved first. T. Johnson stated that they would also need a new site plan. D. Steenhagen stated that the PUD could be

approved contingent on the zoning change to the B-1 zoning district. They would still need to proceed with a final PUD approval, which is when a new site plan would be submitted showing more detail.

A motion was made that the request to rezone property at 1344 and 1374 W. Sherman Blvd., and the south 100 feet of 1333 Montague Ave. as described in the public notice, from R-1, Single-Family Residential to B-1, Limited Business be recommended for approval to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of compliance with the intent of the City Master Land Use Plan and zoning district intent. The motion contained the following recommendations: 1) Recommending the utilization of the PUD option under the B-1 zoning district. 2) The site plan would be brought back to the Planning Commission for approval. The motion was made by T. Johnson, supported by L. Spataro and unanimously approved.

A motion to amend the agenda to hear Case 2003-33 under Old Business, was made by L. Spataro, supported by S. Warmington and unanimously approved.

OLD BUSINESS

Case 2003-33: Request for preliminary Planned Unit Development approval for a mixed-use commercial and single-family residential development at 1344 W. Sherman Blvd., 1374 W. Sherman Blvd., 1333 Montague Ave., and 1343 Montague Ave., by Jim Freed (tabled).

S. Warmington left at 5:00 p.m.

P. Sartorius stated that some of the items he would like to see are an adjustment to the proposed setbacks, what the height of the rear screening would be, and the maneuvering lane could be made smaller. J. Aslakson asked where the Consumer's easement was. P. Sartorius asked the applicant if they knew where this easement was because if it runs across their property, then they would be required to show that on the site plan. This could also help with the screening for the rear setback. J. Freed stated that he wasn't aware of any easements going through the property. P. Sartorius asked if the applicant if they would be willing to make changes to their proposed site plan. J. Freed stated that they would. D. Steenhagen stated that according to the zoning ordinance, the total parking spaces shall not exceed the minimum required by more than one-third. She calculated the amount of required parking spaces for the 2 known uses and figuring the third use would be along the same lines to be about 17 total parking spaces. The proposed number of parking spaces more than exceeds the maximum allowed. J. Freed stated that he would like the increased parking spaces. He also has the parking spaces for the employees calculated in this and he would like to expand his business. P. Sartorius stated that the PUD could relax some of the parking requirements.

A motion that the preliminary PUD for a mixed-use commercial and residential development at 1344 and 1374 W. Sherman Blvd., and the south 100 feet of 1333 Montague Ave., be approved pursuant to the determination of compliance with the intent of the City Zoning Ordinance and City Master Land Use Plan based on the following conditions: 1) The screening of the north end of the property will have a 6 ft. minimum. 2) There will be adjustments to the greenspace and setbacks of the north end of the property. 3) The parking will be reviewed. 4) As many

existing trees need to be retained on the site as possible, was made by L. Spataro, supported by T. Michalski and unanimously approved.

PUBLIC HEARINGS

Hearing; Case 2003-35: Request to vacate the north/south alley in Block 1 of the City of Muskegon Terrace Street Addition (block bounded by Howden, Holbrook, Terrace and the City limit), by Stephen Gawron. D. Steenhagen presented the staff report. The applicant owns the property at 1952 Howden St. and his parents live at 1978 Howden St. The alleys in this block form an L-shape with the entrance/exit onto Howden St. about midway down the block. The east/west portion is used by the adjoining property owners to access their garages. However, the applicant states that a property owner living on Terrace St. uses the alley to access Howden St., and several other people cut through the alley as well. Also, another property owner on Terrace St. apparently uses the alley to store unlicensed vehicles on his property. The applicant would like to vacate the north/south portion of the alley and install a gate at the end of the east/west alley where it now turns south, in order to keep the alley from being used as a throughway. The City has an 8-inch sewer line, which runs down the alley. The City Engineer is recommending against vacating the alley due to the presence of the active sanitary sewer. The Fire Marshal has no objections to the vacation. Staff recommends approval of the request with the condition that the City retains all easement rights to maintain the sewer.

T. Johnson asked how many people use the alley to access their property. D. Steenhagen stated that she wasn't sure, but the alley looks as though it doesn't physically exist. S. Gawron stated that there is 1 property that uses the alley as a thruway. They have access to their property off Terrace St. and they drive thru their property and access the alley. He felt that by vacating the alley, this would help cut down on the inappropriate use of it. L. Spataro clarified that the tenants who live in a house on Terrace St. have been accessing part of the alley by driving thru their property. This has become a shortcut to Howden St. S. Gawron agreed.

J. Aslakson asked to be excused from the meeting at 5:15 p.m.

T. Johnson stated that there are 3 properties along Terrace St. that are adjacent to the alley. He asked which of the properties is using the alley. S. Gawron showed the commission members on the map that it was the 3rd home headed north. T. Michalski asked if the property owners were aware that they would get ½ the alley if this is approved therefore, only ½ the alley could be gated. S. Gawron stated that they were aware of this. He showed the commission members where the gate would be located. R. Roberson stated that he is in favor of the request. He has a lot of foot traffic from Terrace St. using his property to cut over to Howden St. He and the Gawron's maintain the alley as it is. R. Merrill spoke on behalf of his parents who own the property to the north (1934 Howden) and they are in favor of the request.

A motion to close the public hearing was made by T. Johnson, supported by B. Smith and unanimously approved.

B. Mazade stated that the applicant is a member of the board that he works for. He wasn't sure if this would be considered a conflict of interest. P. Sartorius asked the commission members if they felt this would be a conflict of interest. The commission members felt that it wouldn't be.

A motion that the vacation of the north/south alley only in Block 1 of the City of Muskegon Terrace Street Addition, be recommended to the City Commission for approval, based on compliance with the City's Master Land Use Plan and the City of Muskegon Zoning Ordinance based on the following conditions: 1) That all City easement rights be retained, was made by T. Johnson, supported by B. Smith and unanimously approved.

B. Mazade asked to be excused at 5:21 p.m.

Hearing: Case 2003-36: Request for a Special Use Permit for a small grocery/convenience store at 971 Washington Ave., by La Labor Mini Mart. D. Steenhagen presented the staff report. The property is located on Washington Ave., between Hudson and Franklin Streets. The property is a narrow lot (24' x 165') which contains an existing commercial building. This case is the result of an enforcement action on the property. Staff had been told that a store was operating on the site and contacted the property owner to let her know that a Special Use Permit is required for this use. The property is zoned RT, Two-Family Residential. The zoning ordinance allows former commercial buildings in residential districts to operate under special use permit, under certain conditions. The proposed use for this building is a mini-mart grocery store. This is allowed under the zoning ordinance, as long as no alcohol is sold on the premises and as long as the business does not constitute a nuisance to the surrounding neighborhood. The zoning ordinance also requires that the use be not more than 2,500 square feet. The existing building is shown on the site plan as 828 square feet. The properties on either side of the subject property are commercial in nature as well, with an apparently vacant storefront to the west and another commercial building on the corner of Washington Ave. and Hudson St. Since the building is already in place, staff was only able to review the site plan in terms of how the existing site will function, for the purpose of the proposed business. Staff has reviewed the submitted site plan and has the following comments: a) The property in front of the building is currently paved right up to the sidewalk, so no front setback currently exists along the street frontage. Therefore the front setback is nonconforming. b) There is a cement slab behind the building but the rest of the rear portion of the property is greenspace. The side setbacks are shown on the plan as 5 feet and 1 foot. These setbacks are nonconforming as well. c) No dumpster location is shown on the site plan. If a dumpster is to be used on the site, dumpster needs to be screened with a 4-foot minimum screen fence or be located out of public view. d) There are two parking spaces shown on the front of the property. The terrace area is currently paved and appears to be used for these parking spaces. This situation is non-conforming. There are three spaces shown on the adjacent property to the east. In order for spaces on an adjoining property to be counted toward parking requirements, an irrevocable shared parking agreement needs to be in place. This use requires a total of 4 parking spaces (one space for every 200 square feet of usable floor area). The building contains 828 square feet total. e) There is existing wall signage on the site, including two banners. The property is permitted to have wall signage in the amount of up to 10% of the front building face. The property is also permitted to have one banner of up to 24 square feet as long as the banner is neatly hung, taut and secure. The second banner needs to be removed. The applicant needs to apply for sign permits for all signs if no sign permits are already in place. f) No landscaping is shown for the site. There are a few small shrubs in the easterly side setback. Since there are no front setbacks, the Planning Commission may wish to require planters or other landscape elements, which could be incorporated into the existing storefront. Outdoor storage is prohibited on the site, as per

ordinance requirements. All goods produced on the premises shall be sold at retail on the premises where produced. All business, servicing or processing shall be conducted within a completely enclosed building or in an area specifically approved by the Planning Commission. The Planning Commission may limit the hours of operation of the business, if so desired, since the business is located in a residential area. Staff has received a phone call from Steve Gawron, President of Nims Neighborhood Association stating that he has some concerns. He is opposed to this. Staff recommends approval of the request with the conditions.

T. Michalski asked how many vacant commercial buildings were located in this area. D. Steenhagen stated that she didn't know. T. Michalski asked if a commercial building is converted to single family, could it go back to being commercial. D. Steenhagen stated that it couldn't unless it were rezoned commercial. This area is part of "Area 12", the next part of the City slated to be looked at for downzoning to single-family. T. Johnson asked if there were some properties that were being rezoned to business zoning designations through the blight fight effort. D. Steenhagen stated that all properties are looked at in terms of their current uses and what is practical for the area. Some properties have been rezoned to commercial through this effort. M. Vasquez stated that she lives across the street from her store. This is a very small store. She stated that there are only 2 other stores near this area. Each of them are across a busy street such as Seaway Drive. Many people like to send their children to the store to pick up items such as bread or milk and they wouldn't want to have their children crossing busy streets to get these items. She is willing to work with the City on anything that would be required of her in regards to the store. She doesn't sell alcohol. P. Sartorius asked about the shared parking agreement. M. Vasquez stated that she is still working on this. She is in contact with the owner. The owner is looking into his liability insurance. B. Smith asked if people would be allowed to eat at the store. She had noticed that there was a table in the store floor plan that was supplied to the commission members. M. Vasquez stated that she would like to also have a small restaurant in the store that would sell deli type sandwiches and tacos. She is currently working with the Health Department to see if this could be done. L. Spataro asked if she was aware of the proposed conditions. M. Vasquez stated that she was. T. Johnson asked if she would need the special use permit for the store and the restaurant. M. Vasquez stated that she would. C. Spofford stated that his bedroom is on the side of his house near the store. At first he was okay with the store being there. He has since had problems with numerous people being there drinking and hanging around. He is opposed to this request based on what has been happening there. He stated that he has to clean up his property from all the litter that blows into it from the store's customers. B. Smith asked if he thought the owner was aware of this. C. Spofford stated that he didn't know who was doing this. He has seen the applicant carry items to the store from their home. B. Smith asked the applicant if she was able to address Mr. Spofford's concerns. M. Vasquez stated that kids and adults play volleyball since she does have a volleyball net up in the back. She has called the police to the location when she has found drinking to be going on after hours. She does her best to keep her property clean and quite often picks up litter that has blown onto the neighboring properties. What Mr. Spofford has seen her carry to the store was a pot of Menudo, which is a Mexican soup. P. Sartorius asked if she was aware if she would need a dumpster on the property. M. Vasquez stated that she wasn't aware of this. They have been using one of the City totes and this has been working well for them. She will comply with the dumpster if she needs to.

A motion to close the public hearing was made by B. Smith, supported by T. Johnson and

unanimously approved.

T. Johnson stated that he couldn't see this property being utilized for a single-family residence.

A motion that the special use permit for a grocery/convenience store and restaurant at 971 Washington Ave. by La Labor Mini Mart be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in the City of Muskegon Zoning Ordinance based on the following conditions: 1) If a dumpster is to be located on the site, it will be either located out of public view or screened with a minimum 4-foot screen fence. 2) No alcohol will be sold, served, or allowed on the premises. 3) A shared parking agreement (irrevocable) needs to be provided to staff for the 3 parking spaces on the adjoining property to the east. 4) Outdoor storage is prohibited. 5) The area devoted to the store use shall not exceed 2,500 square feet. 6) Any goods produced on the premises shall be sold at retail on the premises. 7) All business, servicing, or processing shall be conducted within the completely enclosed building. 8) Parking shall be accommodated on site or with limited street parking. 9) Hours of operation are limited to 7:00 am to 10:00 p.m. 10) One of the two existing banners needs to be removed. Sign permits must be applied for if not already in place and all signage needs to meet requirements for the residential zoning districts, was made by T. Johnson, supported by B. Smith and unanimously approved.

Hearing; Case 2003-37: Request for preliminary Planned Unit Development approval for a mixed-use commercial and condominium development at 980, 1016, 1018 and 1054 W. Sherman Blvd., by Randers Engineers and Constructors, Inc. D. Steenhagen presented the staff report. The subject property is located on W. Sherman Blvd., just east of the mini-golf course at the corner of Sherman Blvd. and Barclay St. The subject property is currently vacant. The applicant is looking to develop a mixed-use development on this site, with a commercial portion on the Sherman Blvd. frontage and with residential condominiums to the rear of the property. The applicant has submitted a preliminary site plan for the property. The site plan is conceptual only and does not include much detail. The applicant will need to return for a final PUD approval, including approval of the final site plan. Staff has reviewed the preliminary site plan and has the following comments: a) The plan is very conceptual in nature and contains a preliminary site layout. No specifics are given so staff was not able to review the plan in very much detail. b) The plan shows 3 commercial buildings on the Sherman Blvd. frontage and 2 condominium buildings behind. No information is given as to the type of commercial uses proposed or the total number of condominium units. c) The site is zoned B-4 which does allow most commercial uses. The condominiums would be permitted through the PUD process in this zoning district. d) Staff feels that the proposed concept is a good one, with the commercial uses concentrated on Sherman Blvd. and the residential behind, buffered from the heavy traffic on Sherman. The condominiums will need to be adequately buffered and screened from the commercial uses, most likely through heavy landscaping to block the noise and view. e) Without more specific information, staff was unable to look at the plan in terms of parking requirements or setbacks. Some general comments for the developer to keep in mind are that the residential units will require 2 parking spaces per unit. The commercial parking requirements will vary, depending on the proposed uses. Some form of parking lot landscaping will be necessary in the commercial parking areas, either through landscape islands or bump-outs. A 10-foot minimum landscaped buffer will need to be in place along the Sherman Blvd. frontage. f) The site does contain some existing trees. Mature trees need to be preserved as

much as practical, and can be counted in lieu of providing new landscape materials. A landscaping plan will need to be provided which will show the locations of all existing mature trees and notations as to whether they will be preserved or removed. The landscape plan will also need to show additional landscaping (including buffering between the commercial and residential uses) meeting ordinance requirements. g) The final site plan will need to show all dimensions and setbacks and proposed elevations should be provided for the proposed commercial buildings as well as the proposed condominiums. h) Sidewalk along Sherman Blvd. needs to be provided, as well as sidewalk interior to the development. A pedestrian link between the commercial and residential portions of the development needs to be provided. i) The City Engineer has reviewed the preliminary site plan and states that surface water management and utilities availability, locations, layout and sizes will need to be reviewed and approved by the Engineering and Public Works Departments. j) The Fire Marshal has reviewed the preliminary site plan and states: i) Need fire hydrant locations. ii) Need Fire Department access around structures or fire suppression. iii) Need not less and 8" water main installed. iv) Need building heights for all structures. k) The Department of Public Works has reviewed the preliminary site plan and has no outstanding concerns with it. l) The Police Department has no outstanding concerns with the preliminary site plan. No signage is shown on the preliminary site plan. All signage will need to meet ordinance requirements and will require sign permits. Staff has not received any phone calls or letters regarding this case. Staff recommends approval of the request with the conditions.

P. Sartorius asked if there were any environmental issues on the property. D. Steenhagen stated that the applicant would be the best to answer this question. T. Johnson stated that there would need to be screening in place between the miniature golf course and the condos. L. Spataro stated that he would like to have the front of the commercial buildings face Sherman Blvd. He didn't want to see a development that looked as though the backside of the buildings faced the street. B. Bourdon stated that the development would need to be done in 2, maybe 3 phases. The first phase would be the condo units. He would start with a 16-plex unit first then a 12-plex unit. He would then continue with the commercial development. The commercial development could consist of 1 or 2 buildings. He doesn't have anyone signed up to take any commercial units yet. The Phase 1 environmental has been done and looks clean. L. Spataro asked if the applicant was aware of the proposed conditions. B. Bourdon stated that he wasn't. L. Spataro read them and B. Smith provided the applicant with her copy of them. B. Bourdon stated that he had no problem with the conditions. L. Kinnucan stated that she was informed that the property was very contaminated. She described the neighboring structures along Barclay. The traffic is terrible on Barclay and Sherman. She is opposed to this request. She would like to see a traffic light installed at the intersection. B. Bourdon stated that if the site were contaminated, then there would most likely be no development. The egress in and out would be off of Sherman and not Barclay. T. Johnson asked if the Phase 1 had been sent to the State. B. Bourdon stated that he wasn't sure. T. Johnson asked if the proposed lanes on the property could be moved. B. Bourdon stated that they could. He felt that this concept was the best use for this property.

A motion to close the public hearing was made by L. Spataro, supported by T. Johnson and unanimously approved.

T. Johnson felt that this was a good plan, but the submitted site plan was sparse. L. Spataro

concurred with T. Johnson. He felt that the PUD would provide for an adequate buffer to the neighboring condo site. The property is zoned B-4 which is the most intensive commercial use. The property owner could place commercial units on the entire property. He felt that condo units being located to the rear of this property was a good buffer to the neighboring condos.

A motion that the preliminary PUD for a mixed-use commercial and residential (condominium) development at 980, 1016, 1018 and 1054 W. Sherman Blvd. be approved pursuant to the determination of compliance with the intent of the City Zoning Ordinance and City Master Land Use Plan based on the following conditions: 1) The applicant must apply for a final PUD approval including review of a complete site plan. The site plan will need to meet ordinance requirements and will need to specifically include: a) The proposed uses of the commercial areas need to be given (as much as is known) and the number of proposed condominium units also needs to be given. b) The condominium units will need to be well buffered and screened from the proposed commercial uses, with heavy landscaping. c) All dimensions and setbacks will need to be shown. An average of 10-feet along Sherman Blvd. needs to be greenspace and landscaped. The commercial parking areas need to contain either landscape islands or bump-outs. d) Sidewalk needs to be provided along Sherman Blvd., and interior to the development and needs to contain a link between the residential and commercial portions. e) Proposed elevations should be provided for all buildings. 2) All conditions of the Fire Marshal, City Engineer and DPW must be met, was made by L. Spataro, supported by T. Michalski and unanimously approved.

OTHER

S. Warmington returned at 6:16 p.m.

Harbourtowne Sidewalk Issue. D. Steenhagen gave an update. On July 22, Brenda sent a memo to Bryon Mazade, Cathy Brubaker-Clarke, Mohammed Al-Shatel and the City Attorney, giving an update as to the situation with the sidewalks. This memo is attached, as well as all correspondence referred to in the memo. Since that time, no further progress has been made. As staff understands it, there are two stalling points. First, Mr. Darien felt that there were inaccuracies in a letter sent to him by the City Attorney. The letter outlined a possible agreement on the concept of payment for the sidewalks. The City Attorney needs to work this out with Darien conceptually then with his attorney in detail. Secondly, Brenda had asked the City Engineer if he could give estimates on quantities for the sidewalk. Mohammed felt that this was something that the Zoning Inspector could as easily do with a measuring wheel. L. Spataro asked that staff continue to pursue this issue.

MSP Conference. P. Sartorius asked if the City would have a representative in attendance for this conference. D. Steenhagen stated that staff would not be attending this conference due to budget cuts. S. Warmington stated that the City is in a budget crisis. All the departments and City Commissioners are cutting back on all conferences and travel. L. Spataro added that anyone could attend the conference, but they would have to pay for it themselves.

Sidewalks. L. Spataro provided the commission members with an article regarding sidewalks.

Special Meeting. P. Sartorius reminded the commission members that there would be a special

meeting on the 25th for an Imagine Muskegon Presentation. T. Michalski, L. Spataro, and S. Warmington stated that they would not be at the meeting. D. Steenhagen added that the ZBA members were also invited to attend.

Sign Ordinance. D. Steenhagen gave an update. She had obtained the sign ordinances from the following municipalities: Muskegon Heights, North Muskegon, Norton Shores, Roosevelt Park, and Muskegon Charter Township and went over the differences. The purpose for this research was to determine how Muskegon's sign ordinance relates to other local ordinance. The commission may want staff to look into allowing some additional flexibility in the sign ordinance in certain cases. She asked the commission members what they would like to see done.

S. Warmington stated that he didn't have a chance to look everything over. He suggested waiting on this item.

There being no further business, the meeting adjourned at 6:24 p.m.

hmg
9/11/03